

Kansas Administrative Regulations

Department of Health and Environment

Article 5.—Sewage and Excreta Disposal

28-5-9. Variance.

(a) (1) In counties with no locally adopted sanitary code, a variance from requirements of K.A.R. 28-5-2 through K.A.R. 28-5-7 may be granted by the Kansas department of health and environment, if the following conditions are met.

(A) The features of the site for which the variance is requested are not compatible with requirements of the regulations.

(B) Alternate methods are available that will attain the objectives of the regulations.

(C) The variation from the regulations will not adversely affect public health or the environment.

(2) Any person requesting a variance from these regulations shall provide the Kansas department of health and environment with a written request for a variance. This request shall include a description of the proposed wastewater treatment system, information on the treatment effectiveness of the proposed system, and any other information that the Kansas department of health and environment deems necessary to determine the effectiveness and reliability of the proposed system. No such proposed system shall be constructed without the written approval of the Kansas department of health and environment.

(b) In counties with adopted sanitary codes containing a variance clause, the local administrative agency has the authority to grant variances from requirements of the local code.

(c) Before construction of any facility for receipt of sewage, an application for variance shall be filed with and approved by either the Kansas department of health and environment or the appropriate local authority in accordance with provisions of this regulation.

(Authorized by and implementing K.S.A. 1996 Supp. 65-171d; effective Jan. 1, 1973; amended Sept. 5, 1997.)

***** Authenticated Kansas Administrative Regulation *****